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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,725	03/16/2004	Taichi Tanaka	15-048	1026

23400 7590 11/03/2006

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

NGUYEN, TAN QUANG

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10-800-725

EXAMINER

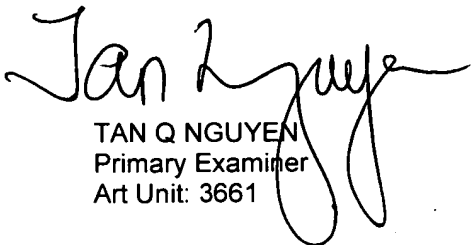
ART UNIT	PAPER
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20061029

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents


TAN Q NGUYEN
Primary Examiner
Art Unit: 3661

Office Action Summary

Application No.

10/800,725

Applicant(s)

TANAKA ET AL.

Examiner

TAN Q. NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/28/06; 09/05/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAIL ACTION

Notice to Applicant(s)

1. This office action is responsive to the amendment filed April 27, 2006. Claims 1-10 are still pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).
4. Claims 1, 2, 5, 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattes et al. (2002/0180596) in view of Ishizaki et al. (6,600,412).

5. As per claims 1 and 2, Mattes et al. disclose the invention as claimed which includes means for alleviating a collision impact on a pedestrian (see figure 2, item 10 and paragraph 0016), at least one pressure sensor mounted on the bumper (see figure 2, item 3), an acceleration sensor (see figure 2, item 8), a speed sensor (see figure 2, item 7). Mattes et al. also disclose means for determining whether an obstacle colliding with the vehicle is a pedestrian based on the output signals from the pressure sensors, the acceleration sensor and the speed sensor, and a controller device for actuating the alleviating means when there is a collision with a pedestrian (see figure 2, item 6 and the related text).

6. Mattes et al. do not disclose that the plurality of sensors are mounted on a front bumper of the vehicle and aligned in the longitudinal direction of the bumper. However, Ishizaki et al. suggest a vehicular sensor system for vehicle which includes a plurality of bumper sensors mounted to a front bumper of a vehicle in a spaced relationship in a widthwise direction for detecting the frontal collision of the vehicle with the object (see at least the abstract and the Field of the Invention). It would have been obvious to any ordinary skill in the art to use a plurality of bumper sensors mounted in the widthwise (horizontal) as taught by Ishizaki et al. into the system of Mattes et al. in order to discriminate an object with increased accuracy (see column 1, lines 40-42, and column 2, lines 28-38).

7. As per claims 5 and 6, Mattes et al. also disclose that the alleviating means is a spring mechanism or a pyrotechnic mechanism for popping up a vehicle hood at an angle (see paragraph 0016).

8. As per claims 8 and 9, Mattes et al. disclose that the alleviating means is an airbag adapted to be inflated on the vehicle hood (see at least paragraph 0016).

Art Unit: 3661

9. Claims 3, 4, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattes et al. and Ishizaki et al. (6,600,412) as applied to the claims above, and further in view of Ishizaki et al. (6,516,278).

10. With respect to claims 3 and 4, Mattes et al. and Ishizaki ('412) disclose the claimed invention as discussed above except for the determination means changes threshold levels fro determining that the obstacle colliding with the vehicle is a pedestrian according to the traveling speed of the vehicle. However, such feature is taught by the Ishizaki et al. ('278) reference in at least the abstract. It would have been motivated an ordinary skill in the art to combine the teaching of the Ishizaki et al. ('278) into the combined system of Mattes et al. and Ishizaki et al. ('412) in order to make provide the system with more accurate decision of the when to deploy the alleviating means by varying the threshold values based on how fast the vehicle is running, thereby improving the vehicle safety.

11. As per claim 7, Mattes et al. also disclose that the alleviating means is a spring mechanism or a pyrotechnic mechanism for popping up a vehicle hood at an angle (see paragraph 0016).

12. With respect to claim 10, Mattes et al. disclose that the alleviating means is an airbag adapted to be inflated on the vehicle hood (see at least paragraph 0016).

Remarks

13. All claims are rejected.

14. Applicant's arguments filed on September 05, 2006 have been fully considered but they are not deemed to be persuasive.

15. The applicant argued that the Ishizaki '412 reference does not disclose whether an obstacle colliding with a vehicle is a pedestrian based on the output signal from each

Art Unit: 3661

one of a plurality of sensors. However, the teaching of Ishizaki '412 does read on the claimed invention in which each of the output signal from the plurality of sensors is used for determining means as shown in at least the abstract, figures 3, 4, 6A, 7A, 8, 9 and 11; i.e. it reads on the limitation "the determining means performs its determination based on the output signal from each one of the plurality of the load sensor or the pressure sensor". Therefore, the rejection under 35 U.S.C. § 103 is considered to be proper.

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

17. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Q. Nguyen, whose telephone number is (571) 272-6966. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (571) 272-6956.

Any response to this action should be mailed to:

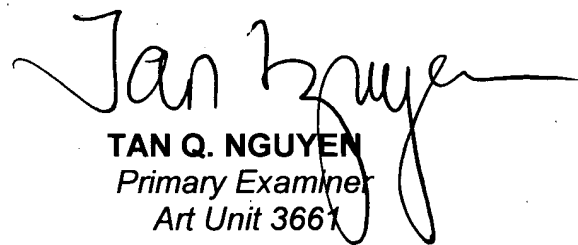
Commissioner of Patents and Trademarks
Washington, D.C. 20231

Art Unit: 3661

or faxed to the Official Fax Center: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/tqn
October 29, 2006


TAN Q. NGUYEN
Primary Examiner
Art Unit 3661